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Ocwen Mortgage Servicing, Inc.,
7 and Ocwen Loan Servicing, LLC

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 Mirella Covarrubias,

12 Plaintiff,

13 v.

14 Ocwen Mortgage Servicing, Inc.,
15 and Ocwen Loan Servicing, LLC,

16 Defendants.

Case No. 5:17-cv-00904-FMO-SP

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

[FED. R. CIV. P. 12(b)(6)]

Judge: Hon. Fernando M. Olguin

Date: August 3, 2017

Time: 10:00AM

Dept: 6D

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20 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

21 PLEASE TAKE NOTICE THAT Defendants Ocwen Loan Servicing, LLC
22 and Ocwen Mortgage Servicing, Inc. (collectively "Ocwen") hereby moves the
23 Court to dismiss Plaintiff's Complaint, filed on May 10, 2017 (Docket No. 1), for
24 failure to state a claim.

25 Ocwen moves this Court for an order dismissing Plaintiff's claims pursuant
26 to Rule 12(b)(6) of the Federal Rules of Civil Procedure as to counts I–V for
27 alleged violation of the Telephone Consumer Protection Act (TCPA), negligence,
28

1 and negligence per se.

2 This motion is based on this Notice of Motion, the Memorandum of Points
3 and Authorities in support of the Motion, the pleadings and papers on file herein,
4 and such other matters as may be presented to the Court.

5 This motion is made following the conference of counsel pursuant to L.R. 7-
6 3, which took place on June 27, 2017.

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9 Dated: June 30, 2017

TROUTMAN SANDERS LLP

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11 By: /s/ Chad R. Fuller

12 Chad R. Fuller
Justin M. Brandt

13 *Attorneys for Defendant*
14 Ocwen Mortgage Servicing, Inc.,
15 and Ocwen Loan Servicing, LLC
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